

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION
CINCINNATI, OHIO**

THEODORE W. DAVIS, Jr,
13435 South McCall Road, Unit #16
Port Charlotte, Florida 33981

CASE NO.

Plaintiff,

vs.

CRAIG FARRISH
Attorney at Law
Rolfes Henry Co., L.P.A.
600 Vine Street, Suite 2600
Cincinnati, Ohio 45202

and

ROLFES HENRY CO., L.P.A.
600 Vine Street, Suite 2600
Cincinnati, Ohio 45202

Defendants.

**VERIFIED COMPLAINT FOR PROFESSIONAL NEGLIGENCE WITH JURY
DEMAND ENDORSED HEREON**

JURISDICTION AND VENUE

1. This action is brought by Plaintiff Theodore W. Davis, Jr. who is a citizen of the County of Charlotte, and State of Florida against Defendants who are citizens of the State of Ohio and do business within Butler County, State of Ohio.
2. Plaintiff is a resident of Charlotte County, State of Florida.
3. Defendants' principal place of business is Hamilton County, State of Ohio.

4. The cause of action herein arose in Butler County, State of Ohio. This Court has jurisdiction over this action pursuant to 28 U.S.C. §1332(a) in that diversity of citizenship exists between plaintiff and the defendants and the amount in controversy exceeds \$75,000, exclusive of interest and costs.

5. Venue in this Court is proper pursuant to 28 U.S.C. §1391(a) in that a substantial part of the events giving rise to the claims occurred in the Southern District of Ohio, and the Defendant is a resident of the State of Ohio.

PARTIES

6. Plaintiff Theodore W. Davis, Jr. is a resident of Charlotte County, State of Florida, whose mailing address is 13435 South McCall Road, Unit #16, P.O. Box 207, Port Charlotte, Florida 33981.

7. Defendant Craig Farrsih (“Defendant Farrish”), at all times relevant, was a licensed attorney by the State of Ohio Supreme Court, who was employed to practice law with the firm of Rolfes Henry Co., L.P.A., whose current principal place of business is located at 600 Vine Street, Suite 2600, Cincinnati, Ohio 45202.

8. Defendant Rolfes Henty Co, L.P.A., is a law firm, which does business in the State of Ohio, whose principal place of business is located at 600 Vine Street, Suite 2600, Cincinnati, Ohio 45202.

FACTS COMMON TO ALL COUNTS

9. During 2020, Plaintiff, Theodore W. Davis, Jr., engaged Defendant Craig Farrish, an attorney at law, and Meadows Law Firm, Attorneys at Law, as attorneys to represent him before the Butler County Court of Common Pleas, Domestic Relations Division, as a defendant

in post-divorce proceeding being captioned as Kim Marla Davis v. Theodore W. Davis, Jr. Donald H. Lykins, Case No. DR 2013 12 1277.

10. Plaintiff Davis was required by defendants to prepare information for purpose of presenting a defense to the allegations in the post-decree issues relating to spousal support disputes relating to income of both parties, which included yearly income including bonuses and stock options, history of income, disability benefits including prior employment history and income.

11. During the course of this representation, defendants failed to prosecute and defend the claims before the Butler County Court of Common Pleas, Division of Domestic Relations and in the Twelfth District Court of Appeals for Butler County, Ohio under Case No. CA 2021-11-139, which includes issues involving spousal support, contempt of court, service of process and accounting of government benefits of Plaintiff Davis and uncovering income of the ex-spouse in Texas.

12. Plaintiff Davis was diligent and timely in preparing his information at the request of the defendants for timely filing and further provided additional information as to his pension, governmental benefits, prior work histories of the parties and social security benefits.

13. Plaintiff Davis sought to have Defendants Craig Farrish and Rolfes Henry Co., L.P.A. aggressively assert a defense to motions related to spousal support and protecting his income from his disability benefits and retirement benefits.

14. Defendants failed to timely raise issues of affirmative defenses that subsequently failed to expose issues of service of process and the insufficiency of trial court procedures in the Butler County Court of Common Pleas, Domestic Relations Division related to contempt proceedings.

15. Defendants failed to adequately brief the issues for appeal on behalf of Davis, including the failure to include any case precedents or other legal basis in the brief that was defendants prepared on behalf of Davis as an appellant..

16. Defendants falsely represented that they had investigated ex-spouse's assets including bank accounts, retirement accounts, business transactions and other accounts as of the date of court proceedings before the trial court.

17. Defendants failed to defend plaintiff when calculating and providing evidence in support of reducing spousal support.

18. Defendants abandoned Plaintiff Davis when he was faced with the threat of contempt of court including potential incarceration.

19. Defendants failed to protect their client Davis on the issue of process of service of motions before the Court.

First Causes of Action
(Legal Malpractice for Failure to Properly Protect Claims)

20. Plaintiff re-alleges paragraphs 1 through 19 as if fully rewritten herein.

21. Defendants failed to prosecute the defenses and claims of Plaintiff, Theodore W. Davis, Jr., when defendants failed to properly and timely make discovery requests, investigate and present issues of ex-spouse's income, etc., all to the detriment of the plaintiff.

22. Defendants, having negligently defended the contempt of court proceedings and the briefing before the Twelfth District Court of Appeals which caused plaintiff irreparable harm.

23. Plaintiff has suffered losses as a direct cause of defendants' negligence in not properly representing plaintiff as to his defense and prosecution of the claims in the post decree matters.

24. There was a more than causal relationship between the defendants' negligent conduct and the plaintiff's failure to be protected in his property and assets.

25. Defendants' actions failed to conform to the standard of practice for duty owed to a client similarly situated as required by law.

Second Cause of Action
(Legal Malpractice for negligent handling of a legal matter)

26. Plaintiff re-alleges paragraphs 1 through 25 of the Complaint as if fully rewritten herein.

27. Defendants failed to use proper diligence in the preparation of the plaintiff before the Butler County Court of Common Pleas, Division of Domestic Relations in Case No. DR 2013 12 1277 and Twelfth District Court of Appeals for Butler County in Case No, CA 2021-11-139.

28. This failure to adequately protect the interests of their client, Plaintiff, Theodore W. Davis, Jr., failed to conform to the standard of practice for duty owed to a client similarly situated as required by law.

29. There is a direct link between the defendants' malpractice and the plaintiff having been exposed to negative results and losses of income and assets before the Butler County Court of Common Pleas, Division of Domestic Relations in Case No. DR 2013 12 1277 and Twelfth District Court of Appeals for Butler County in Case No, CA 2021-11-139.

WHEREFORE, IT IS PRAYED AND DEMANDED THAT the plaintiff be awarded the following relief:

A. That Plaintiff Theodore W. Davis, Jr. be awarded compensatory and special damages

from Defendants Craig Farrish and Rolfes Henry Co., L,P,A., in the First Cause of Action.

B. That Plaintiff Theodore W. Davis, Jr., be awarded compensatory and special damages from Defendants Craig Farrish and Rolfes Henry Co., L,P,A in the Second Cause of Action.

C. That plaintiff be awarded punitive damages from the defendants in this action.

D. That plaintiff recover his damages and all other equitable relief to which he may be entitled.

E. That the plaintiff be awarded his costs and attorney fees in this matter and interest on any award from the date of filing this complaint.

Respectfully submitted,

THE GREEN LAW FIRM., L.P.A.

/s/ F. Harrison Green

F. Harrison Green

Attorney for Plaintiff Theodore W. Davis, Jr.

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JURY DEMAND

It is the request of Plaintiff Theodore W. Davis, Jr. that this matter be tried before a jury of his peers.

/s/ F. Harrison Green

F. Harrison Green

Attorney for Plaintiff Theodore W. Davis, Jr.